

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.3101 OF 2004**

Amit @ Yunus Jabbar Idris Shah .. Applicant.  
Vs.  
State of Maharashtra .. Respondent.

Mr.Parvez Memon for the applicant.  
Mr.D.R.More APP for the respondent.

**CORAM : D.B.BHOSALE, J.**

**DATED : 10TH AUGUST, 2004**

P.C.:

. Heard Mr.Memon, learned counsel for the applicant and Mr.More, learned A.P.P. for the respondent.

2. This application is filed by the applicant for being released on bail in C.R.No.154/2004 registered at Meghwadi police station under sections 302 and 380 of Indian Penal Code. The alleged occurence took place in the intervening night of 20.10.2003 and 21.10.2003. It is the prosecution case that at about 2.30 am on 21.10.2003 the applicant was in the house of deceased - Sapna when complainant - Rupa was also with them. Rupa left the house at 2.30 a.m. to bring some eatables when she met her sister -

Jyoti. They both came back around 3.30 am when Sapna was found dead in the house and the applicant was missing. I have perused the statements of Rupa, Jyoti and one Balaram. They have stated that the deceased - Sapna and the applicant were staying as husband and wife. In my opinion, the aforestated circumstances are sufficient enough to show the complicity of the applicant, who does not have any explanation as to how the deceased died when she was left in his company at 2.30 am by the complainant. This is not a fit case to enlarge the applicant on bail. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

**(D.B.Bhosale, J.)**